

Canons of Construction

Volume 37, Number 3 The Law Students' Newspaper Oct 17, 2005



Law's a Beach winner: Team Margaritaville

Photo by Matt Sheridan

Life as a Summer Student

Allison Eng (2L)

Perhaps you feel overwhelmed by the entire experience of law school thus far, let alone the recruitment season that is about to kick off – I wouldn't blame you. We at Canons would like to assist those of you who are interested in finding a summer job related to law. Last month, we surveyed firms and organizations that hired U of A law students for summer positions and invited them to submit student testimonials. We hope that the submissions below will provide some insight into the personality of the firm and the quality of the experience from a fellow student's perspective. Many thanks to those who submitted testimonials!

Although the prospect of working on real life legal issues seemed overwhelming after first year, my summer with a firm was invaluable. Working with lawyers who are experts in their field gave me new perspectives on many legal issues and showed me what to expect when I begin practicing – Mark Amman, Parlee McLaws (Edmonton)

I was exposed to many different areas of practice in an environment which was extremely welcoming and supportive with lawyers who were willing to provide guidance in every way possible. This allowed me to sculpt a view of my future legal career. It was without a doubt an invaluable experience. – Samantha Basarab, Bennett Jones (Calgary)

My first day at the firm can only be described as overwhelming. The office tour had only just begun, and I was already lost. People had told me not to summer with a firm because you just get "lost in the shuffle", and I was starting to think they were right. They couldn't have been more wrong. The skills I learned and the friendships I made over the summer are irreplaceable – not to mention I learned my way around! – Suzanne Debow, Parlee McLaws (Edmonton)

It's difficult to sum up a whole summer at a law firm in 50 words, so I'll do it in two: do it. If you're going work in a firm, this early practical

experience gives you a real taste of the legal profession, but you have to take it upon yourself to make the most of it. – James Elford, Parlee McLaws (Edmonton)

Being a summer student is the best way to try a firm on to see how it fits you. You get to meet a lot of awesome people, make key contacts, and try out different areas of law to help you decide what area is for you. Not to mention, you get to spend part of your summer drinking on patios. – Jessica Ferguson, Bennett Jones (Calgary)

I had fun! Being included in examinations for discovery, research memos, contract drafting, and client interviews exposed me to a wide range of practice areas that made the summer a valuable learning experience. The people at Miller Thomson made this a great place to summer. – Fiona Fjeldheim, Miller Thomson (Calgary)

...Continued on page 4

From Your VP SOCIALS

Jennifer Young (3L) &
Laura Gill (2L)



Photo by Justyna Herman

The first half of this year's semester has been a real success. Most recently, Grad Committee 2006 did an excellent job of organizing Law's A Beach and the first year team's superhero costumes are not soon to be forgotten. The Panda Bearisters Girls Rugby team also managed to fill 3 buses on the magical pub-crawl journey to The Attic, Globe, Union Hall, and Bar None.

Further to the recent first year elections, we've welcomed **Christine Murray** (General First Year Rep) and **Anna Turcza** (First Year Finance Rep) to our LSA team. **Ryan Sharp, Nigel Forster** and **Brennan Clarkson** will be joining the Articling Committee, and the positions on the Recruitment Committee went to **Allison Murray** and **Drew Broughton**. Other results include **Jenn Tassone** and **Michael Saliken** for the Law Faculty Council, and **Mike Gunther** for the Library Committee.

The semester isn't over though – there is

much more still to come! Coming up on October 15th is Alumnifest 2005 at the Clansmen Rugby Club (hopefully snow free) and an after party to follow at Overtime. The LSA will also be hosting a Wine and Cheese for the infamous **Professor Hogg** in the Gavel on October 18th from 4-6pm.

Other events to look out for include a Law Games pub night on October 22nd and the Grad Committee 2007's Halloween Party on October 27th. And in case you were curious about the fabulous Med students, we are holding a Med/Law Mixer on November 4th starting with a joint FABS in the Gavel and a party after at the Iron Horse. Another thing to get excited about is the Golden Bearisters leisure suit fashion show to be held at the FABS they are hosting on November 18th.

In other LSA news, watch out for the stalker guide...I mean Who's Who. It will be ready for pick up by the end of the month. And if any club is interested in hosting a FABS, please come see your friendly VP Socials. Thank you for all of your participation so far, and make sure to attend the upcoming events!

Want to get involved with
Canons?

Come to our next meeting:

Wed, Oct. 19, 2005

Canons Office

(in Locker Room)

Time: noon

STIKEMAN ELLIOTT

**Our people are
our biggest asset.**



MONTREAL
TORONTO
OTTAWA
CALGARY
VANCOUVER
NEW YORK
LONDON
HONG KONG
SYDNEY

Find out more about
a future with us.

Contact:
Keith Chatwin
Tel: (403) 266-9088
kchatwin@stikeman.com

www.stikeman.com

Stikeman Elliott LLP

Canons of Construction

Volume 37, Number 3 The Law Students' Newspaper Oct. 17, 2005

Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. *Canons'* principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. No articles are published anonymously. *Canons* reserves the right to edit submissions for content, length, and legality. *Canons* will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in *Canons* do not necessarily reflect the views of the *Canons* board.

All contents are copyrighted 2005. Contents may not be reprinted without the expressed permission of the Publisher.

Publishers

Matt Vernon
mvmemon@ualberta.ca

Justyna Herman
jherman@ualberta.ca

News & Events

Allison Eng
aeng@ualberta.ca

Social Page

Vista Pourbahrami
vista@ualberta.ca

General Malfeasance

Matt Vernon
mvmemon@ualberta.ca

Layout/Design

Heather Grab
hgrab@ualberta.ca

Business Manager

Allison Eng
aeng@ualberta.ca

Editing

Tereza Fonda

Contributors

D. James Anderson
Cameron Bowman
James Elford
Allison Eng
Laura Gill
Justyna Herman
Brian Man
Vista Pourbahrami
Corey Sandquist
Kari Sejr
Matt Sheridan
Jacqueline Sowa

Matt Vernon

Jennifer Young

Copy Editing

Cameron Bowman
Lainie Chan
Heather Grab
Tereza Fonda
Justyna Herman
Margaret Kowalczyk
Matt Vernon
Steph Wong

Law Students' Association is a proud supporter of Canons of Construction

President: Sajjan Alexander (Alex) (3L)

VP General: Joanna Cox (2L)

VP External: Tyler Derksen (3L)

VP Services: John Rauzer (2L) & Roman Kotovych (3L)

VP Social : Laura Gill (2L) & Jennifer Young (3L)

VP Sports: Christina Cundict (2L)

VP Academic: Jon Wescott (2L)

Interview Week

Reflections, Worries, & Contemplations...



Vista Pourbahrami (2L)

Before the chance to settle in and come to terms with the fact that we are no longer the 'babies' of the law school, applications for summer jobs must go out. There is no time to be picky; you just end up applying for whatever is out there that may remotely suit what you are looking for in a firm.

You cross your fingers that you have put sufficient postage on the massive envelopes containing everything and anything that has the scent of your education on it and then sit waiting, waiting for someone, anyone to call. You can tell something is wrong when you are excited to hear the phone ring, but frustrated when it is merely telemarketers calling to ask if you are satisfied with your long distance plan.

"My applications were all in the mail during the summer and all my interviews are scheduled" — dam I wish I could put myself in this category!

"I will send them out tomorrow, I just have to do a couple more. The guy at the post office said 2-4 days, which means I have till 8am on the 27th to get them in the mail. I still have

time" — getting closer.

"At least you are not like me, I sent out all of my applications with 80 cents worth of stamps and then they were sent back to my Vancouver address because of insufficient postage. My mom had to send them all out again for me" — learned from this friend to put \$1 on the envelope.

"I wish I had spent a little more time on the cover letters. I sent the Aboriginal law firm my family law cover letter and the family law firm heard about my great interest in Aboriginal law issues. Oddly enough, the Aboriginal law firm still gave me an interview. Goes to show that you never know" — sounds familiar...

"I don't want to work for a big firm, but I feel like I lack choices in summer positions. I still applied to some big firms. A girl's got to do what a girl's got to do, I guess" — at least you know what you do and don't want; some aren't even there yet.

As I sit at home thinking about how I have yet to research about the firms I am interviewing with, I began reflecting on this whole process. Even the large firms in Vancouver that hire a maximum of 10 students interview 40-50 very qualified candidates. The odds are slim, but that is the game we have to play.

The firms understand that those of us coming from out of town are missing our classes to be there, and yet they schedule receptions for the week before interview 'week' and seemingly expect that we come. At least those firms don't schedule their social event on the Monday night. Every second person I speak to lately seems to be having the "I can't be in two places at once" 'problem'. I reassure these

friends that this 'problem' is in fact a blessing. It means you are wanted; however, it goes to the root of the actual problem - the fact that interview 'week' is only two days.

If you have three interviews in one day, inevitably the third interview will not be as enthusiastic as the first and I don't see this as an effective way to screen for the most capable candidates. It almost seems like the ones who were able to schedule their interviews for the morning inevitably have the advantage of being awake, alert and not frustrated by the fact that they have been asked "so what do you think you can bring to _____ LLP?" three times already.

Scheduling problems aside, then the superficial stresses also come into the picture. I know everyone of you out there preparing for interview week are thinking whether to wear the white and black pin-striped shirt with the solid coloured suit or the red shirt with the pin-striped suit. One would hope that the ultimate decision wouldn't make a difference as to whether you get a job or not, but just to play it safe you ensure you are wearing the best outfit in your closet.

The final worry on the minds of all those 'interview week' hopefuls is trying to figure out the balance of being yourself but at the same time not completely 'being yourself'. I know you have no idea what I meant by the last sentence, so allow me to explain. Every person who has been giving me advice the past little while has stressed that you must be yourself in the interview; however, one cannot be too comfortable because that healthy level of stress and tension which puts you on your best behaviour would be gone. I have yet to achieve this balance. To all of my peers out there preparing for interview week, good luck, and hopefully you have better luck finding the balance for yourselves.

Summer Students

...Continued from page 1

Working for the MGB was a positive and rewarding experience in which I was able to further develop and refine my skills in legal analysis and writing. It was a unique opportunity to develop these skills in a supportive environment. Feedback was constructive, enabling me to write more effectively. — Karen Lilly, Alberta Municipal Government Board (Edmonton)

The main goal and expectation of a summer student at Bennett Jones is to become acquainted with as many members of the firm as possible. This is accomplished through attending various social events and having a choice of work assignments in all areas of practice. Also, their truly open door policy provides a welcoming environment. — Kathleen Radford, Bennett Jones (Calgary)

I had a fantastic experience at Parlee. I worked on high profile cases that often made headlines. My mentor kept close tabs on my progress, while other Harvard students often barely saw their mentors. I typically left work at 4:30, while other Harvard students usually finished at 7:30. — Chris Zelyas, Harvard Law Student, Parlee McLaws (Edmonton)

Get to Know Your Professors

Justyna Herman (3L)

This set of questions was famously answered by Marcel Proust, a French writer, in the late 1800s. They have been used since, in a slightly updated form, to conduct interviews and help people learn about themselves and those around them. Continuing last year's tradition, we will be asking the Proust Questions to professors in our faculty. This week, Professor Milovan Prelevic has agreed to tell us a little bit about himself. Professor Prelevic teaches Legal Research and Writing.

What do you consider your greatest achievement?

Teaching last week's classes without putting more than one person to sleep is quite an accomplishment in my book. Teaching LRW is a bit like running on sand: it's great training because it makes everything else seem easy. Have you ever tried to have a lively class discussion about the square brackets/round brackets rule?

What is your idea of perfect happiness?

I'll let you know when I find out.

What is your most treasured possession?

Possessions are overrated. What's the point of amassing them when you don't know where you're going to be tomorrow? Of course, I might think otherwise if I actually had the means to acquire any.

What is the trait you most deplore in others?

I should probably deal with my own deplorable traits before attempting to answer that question.

What do you consider the most overrated virtue?

Punctuality. The world will not end because something didn't happen on time. A little bit of patience and longsuffering will go a long way.

What are the qualities you most like in a woman?

Beauty, intelligence, and the exceedingly rare ability to endure my incessant rambling and match it. There are few things I like more than keeping a good conversation going seemingly forever. That's probably because conversations in my family have always been a never-ending affair. Learning how to interrupt and hold your own are essential survival skills in a family where volubility (sometimes verging on logorrhoea) is an integral part of the genetic inheritance.

What was the last book you read?

The last one I finished was Manifest Destiny and Mission in American History by Frederick Merk (assuming you mean non-law books, of course). Works in progress right now are George Kennan's Memoirs: 1925-1950 and F. Scott Fitzgerald's Tender is the Night.

What words or phrases do you most overuse?

I haven't been keeping count, but I'd probably have to say that the most overused word in my limited vocabulary is "probably". It's a very convenient word for qualifying statements that would otherwise sound too categorical. For practitioners of the ancient art of giving non-committal or vague answers to specific questions, "probably" is definitely the word of choice.

What are your biggest everyday pet peeves?

People who drive as if they've had a brain injury. There seems to be an inordinately large number

of them in this city. Of course, the only places where I feel truly comfortable with the reflexes and instincts of my fellow Fangios are Montreal (my hometown) and New York. Still, despite its sluggish and frustrating drivers, this city has got one big redeeming feature for a motorist like me: photo radar tickets don't carry any demerit points!

What talent would you most like to have?

Being a world-class opera singer would be nice. In fact, I'd very much like to have any serious musical talent. Of course, developing one would have required assiduous study and practice from an early age, not to mention the courage to commit oneself to the single-minded pursuit of a difficult goal with no guarantee of success. Given my extremely risk-averse personality, being a lawyer seemed like a somewhat more prudent choice.

Photo by Justyna Herman

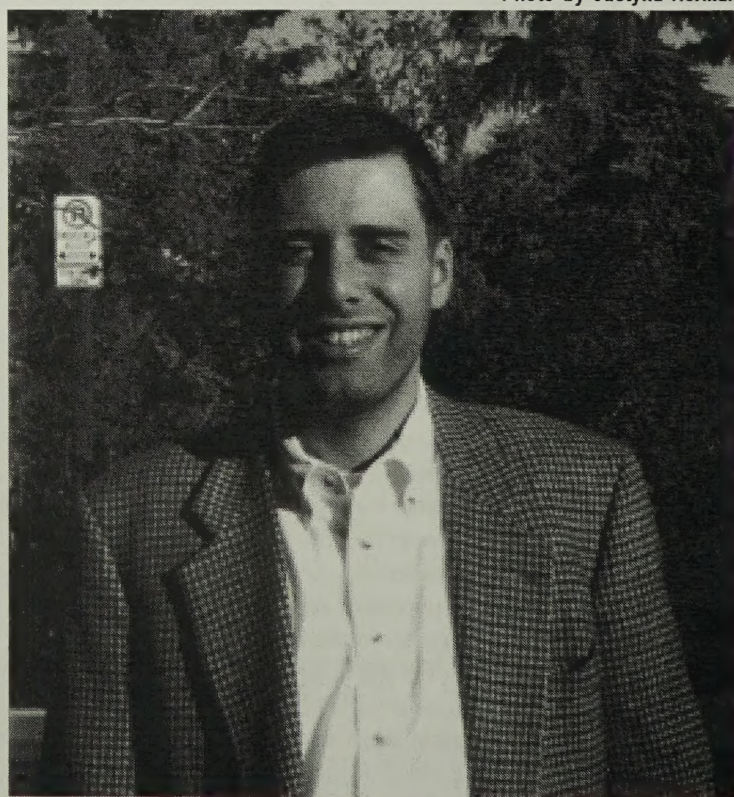




Photo by Vista Pourbahrami

Hometown: Red Deer, AB

Undergrad Studies: Genetics

If you were allowed to wear whatever you wanted under the robes in court, what would it be?
A black hoodie.

What weird exam rituals do you have?

I listened to "Shake your Foundations" by AC/DC while I was studying for the Foundations final.

If you could have an afternoon with one person dead or alive, who would it be?
Jesus

If you could go anywhere in the world, where would it be?
Scholars

Law Guy: Mike Sharp

were younger you wish they would bring back?

Hanna Barbera's *All-Star Laff-A-Lympics*

What was the scariest thing you have ever done in your life?

Joined the law rugby team.

The one TV show you wouldn't miss even during exams?
SNL

Which famous person would you want to play you in a movie about your life?

Peter Griffin or alternatively, Dave Jarrett.

Name a fashion faux pas that drives you crazy

People wearing Flames' or Stampeders' Merchandise.

Favorite cartoon show from when you

Law Girl: Milena Jusza

Hometown: Edmonton, AB

Undergrad Studies: Economics (Our motto was "We do it with models.")

If you were allowed to wear whatever you wanted under the robes in court, what would it be?

Top: I 'heart' JUSTICE T-shirt

Bottom: Anything with an elasticized waistband.

What weird exam rituals do you have?
A panic attack the night before.

If you could have an afternoon with one person dead or alive, who would it be?

Karol Wojtyla ... or the guy who invented Post-Its (Plan B is to marry rich).

If you could go anywhere in the world, where would it be?

Italy

Favorite cartoon show from when you were younger you wish they would bring back?

Back in communist Poland the programming wasn't all that great. I do recall watching *The Smurfs* on occasion - LOVED them.

What was the scariest thing you have ever done in your life?

Written a memo on the topic of promissory estoppel after only a few months in law school. I'm still dealing with the trauma.

The one TV show you wouldn't miss even during exams?

The Practice - they show old episodes on Court TV.

Which famous person would you want to play you in a movie about your life?

Sharon Stone - I think she could capture my essence beautifully.

Name a fashion faux pas that drives you crazy.

Oh there is more than just one: 1) tapered jeans, 2) socks with sandals, and 3) the scrunchie.

Photo by Vista Pourbahrami



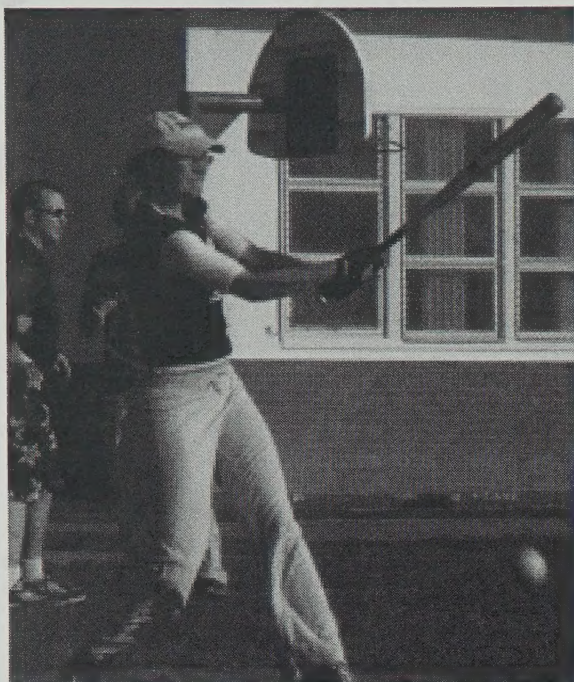


Photo by Justyna Herman



Photo by Justyna Herman



Photo by Kari Sejr

law's a beach



Photo by Justyna Herman

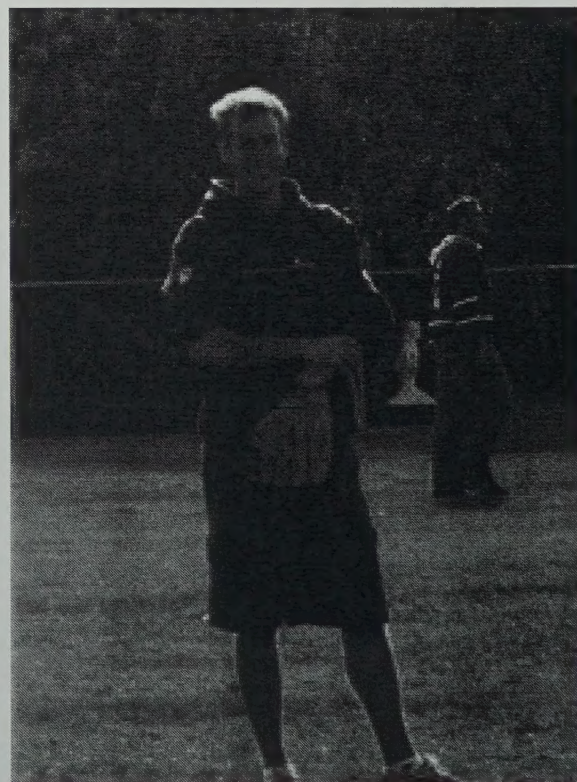


Photo by Justyna Herman

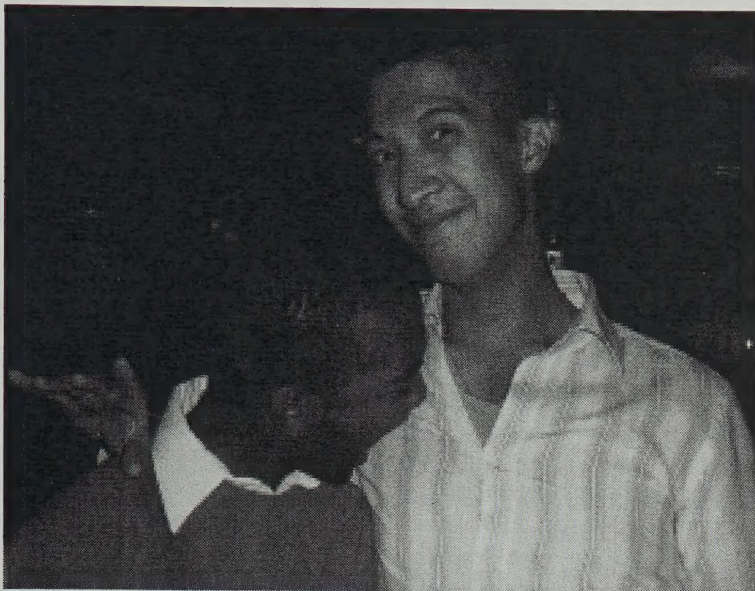


Photo by Kari Sejr

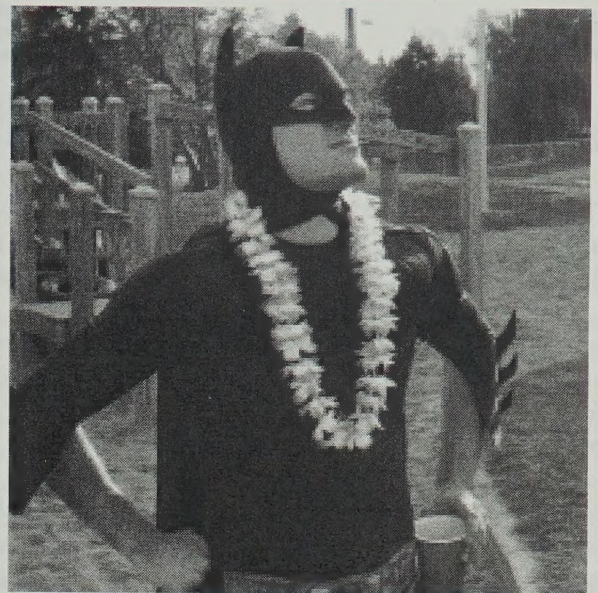


Photo by Matt Sheridan



Photo by Justyna Herman

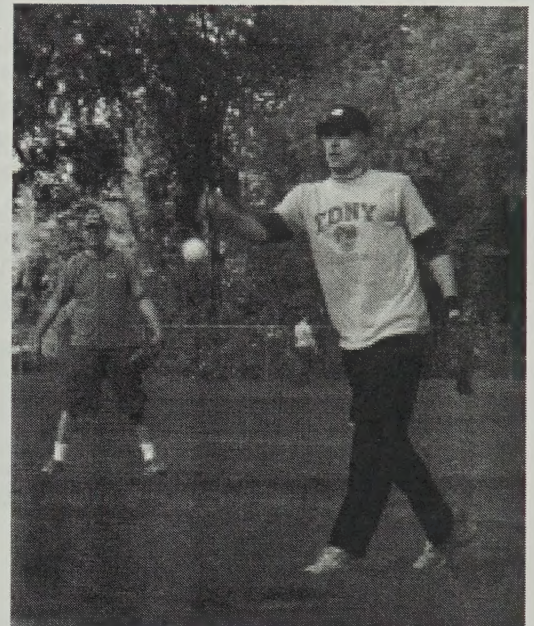


Photo by Justyna Herman

Booze, Bats, & Balls

Brian Man (2L)

Softball: the official drinking sport of all bat and ball sports. It's not high brow enough (or boring, whatever you fancy) to be cricket, yet just not quite as popular as baseball. In any event, the annual Law's a Beach softball tournament was held last Saturday, as professor and student alike came out to enjoy a day at the beach, er, I mean the elementary school multi-purpose field.

In the end, Margaritaville emerged victorious (I don't know who gave our team that name, but we'll take it, seeing as how it's good luck

now). Coming in as unknowns, this team of all-stars (got) hammered through the rest of the field to claim the coveted Brown Bag prize. True to form, the contents of that brown bag (which shall remain nameless) were consumed in team-like fashion: victory never tasted so much like rubbing alcohol. Special thanks go out to our designated drinker Mike Sharp, our player-coach/motivational speaker, Henry Campbell, and of course our co-MVP's Chrissy Cundict and Mike Lipton.



Photo by Justyna Herman

Advice WHO ASKED YOU?!

Question: *What's your opinion on students dating professors?*

She Said: It is absolutely unacceptable to date a professor. It should be obvious why it is wrong: professors don't make that much money. You could be dating a practicing lawyer that makes so much more. The only time that it is acceptable to date a professor is if you are guaranteed a better grade. Remember, when entering into a relationship, always ask "what's in it for me?"

He Said: I have had the opportunity to read the decision of my learned friend "She," and I dissent in part. You should never date a professor *to get better grades*. The contract would be too difficult to prove in court. I'm pretty sure there are some rules against dating your professor while you're taking their class, so it would probably conflict with that "those who seek justice must do justice" equity crap. The court might also say that it was just a gratuitous

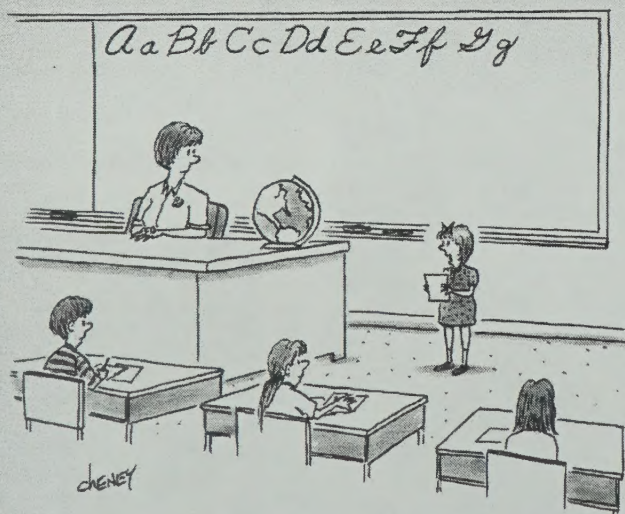
promise—guys are great at giving those. And anyway, nobody wants to know what you gave for "consideration."

Question: *Every time I go to a night club or party there always seems to be a couple who are making out. What should I do about it?*

She Said: For the record I would like to say that I have never done anything like that. Having said that, I don't think it's that big of a deal. You're probably just jealous. My advice is, if you can't beat 'em, join 'em. Grab a hottie and make a competition out of it. Come on, you're a law student—you're supposed to be competitive. And anyway, people do far more offensive things at nightclubs, especially in Edmonton—like line dancing. I was once in a nightclub on Whyte Ave. and they played some country music and everybody started line dancing. As a Vancouverite, I was extremely disgusted; I mean line dancing is just a slippery slope to

marrying your cousin. Or making out with them at a club—see now we're back where we started but in a far worse position.

He Said: What should you *do* about it? I don't know who made you the make-out police, but maybe they should spend less of their time fabricating ersatz law enforcement agencies and put a bit more effort into getting you to chill out. If people want to make out in a party-type situation, I'm pretty sure that's their prerogative. It's analogous to your insistence upon being entirely too wound up for your own good; I think it would only be fair if the next question asked here today was, "Every time I make out at a party, there always seems to be some uppity stress-case who writes letters bemoaning their inability to deal with my existence. What should I do about it?" It's pretty much the same question, only with the major difference that the person asking the latter is likely to be having a better time at the party.



"Why I want to work for BLG when I grow up. By Susie Henderson™. All rights reserved. Copyright 2004."

A good lawyer never stops learning. At BLG, we passionately believe in continued education as a way for all our lawyers to be able to offer the very best legal counsel in today's constantly changing business environment. From national student training programs to intensive learning programs for associates on the path to partnership. At BLG this commitment means we are always able to provide our clients with the very best service. For more information, visit the BLG website.

CALGARY

MONTRÉAL

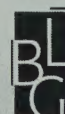
OTTAWA

TORONTO

VANCOUVER

WATERLOO REGION

Borden Ladner Gervais LLP – Lawyers • Patent & Trade.mark Agents • Avocats • Agents de brevets et de marques de commerce
Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.



BORDEN
LADNER
GERVAIS

IT BEGINS
WITH
SERVICE

www.blgcanada.com

Yeah, Gas is Expensive, But What Gives You the *Right* to Drive?

Corey Sandquist (1L)

It seems anywhere you look for headlines these days there is something about gas being too expensive. Comments such as “I remember when I first started driving being outraged at paying 50 cents/litre,” and “a dollar is just too much for gas,” or “why doesn’t the government do something?” Okay, yes it is not the most phenomenal thing to pay more for a product, but if you can’t afford to participate in the activity...don’t do the activity.

First, I am going to suggest this idea “its my right to drive my enormous SUV that gets awful gas mileage” is just plain wrong. Simply because you grow up with an amenity does not mean it is vested as a right. While it may be true that it only cost 49 cents/litre seven years ago, this historical fact has absolutely no bearing on what you are going to pay today. Inflation alone would suggest this 49 cents should actually be closer to 59 cents (based on 3% inflation per year for 7 years). This is just inflation. There is also the fact that the world is a very different place than it was in the 49 cent era. Barring the quick expansion of Asian consumption and the increased consumption of other industrialized nations, there also exists major disruptions in

the supply.

The concept I am getting at here is supply and demand. Even the freshest newbie to economics could tell you if there was a product that was having disruptions in supply, as well as an exponentially increasing demand, the price is going to go up. Of course, we could always begin to touch on the subject of risk – return as well; that is, oil companies are essentially investing in finding and selling oil. If the risk is greater (the uncertainty of the price), that commodity is going to be sold at a higher price to compensate the company for taking this additional risk. However, I think the economic point has been made.

Second, what is this authority people are referring to when they say a dollar is too much for gas? A dollar is not too much for gas, if that is what the gas is worth. I would suggest if you are at the pump paying a dollar for the gas, it is worth a dollar. If the gas, and the resulting activity from the gas, is not worth a dollar then you can simply not purchase it; the bus costs two dollars to drive around for about an hour. The fact that someone no longer believes the gas to be worth driving does not mean that

their rights are being infringed upon.

Finally, the idea that the government is going to save us from these high gas prices is ludicrous. It is true that there is a large tax on gas. However, under international treaties, we have to sell our oil at the world price. We cannot sell a barrel of crude to a refinery in Canada for say \$20, then sell another barrel for about \$67 to, say, China. Well, I guess we could, but then we would be subject to sanctions and retaliation and various other negative consequences that would be far worse than paying an extra 40 cents at the pump. It would be very likely that if we were to suddenly say to the world we do not care about this trade agreement, but still want the benefits of world trade, Canada would crumble economically. Don’t forget, people that don’t have jobs cannot pay their lawyers.

Overall, if you want to do something, pay for it. If you want to drive, don’t ask the government to subsidize your costs of driving, buy a smaller vehicle.

I am fairly certain that the Charter does not say ...right to life, liberty, personal freedom...and the right to drive your SUV. But, I may be mistaken...maybe it’s somewhere in the back.

Chief Justice Scott: The Morality Conundrum

D. James Anderson (1L)

In Krzysztof Kieslowski’s rather more-brilliant-than-not 1994 film *Three Colours: Red*, a retired Judge, played wearily by Jean-Louis Trintignant, explains to Valentine, played with more than a touch of liberal guilt by Irene Jacob, why it does not matter whether or not she tells his neighbours that he has been eavesdropping, vis-à-vis some cutting-edge early 90s electronics, on their telephone conversations.

The neighbours are not innocent: the husband is conducting an affair, and his daughter—but not his wife—may be complicit in it.

“I don’t know whether I was on the good or bad side,” he says. “Here, at least I know where the truth is. My point of view is better than in a courtroom.”

“No,” Valentine replied, incredulous.

“Everyone deserves a private life.”

“Yes, of course,” the judge replies. And then, after asking why Valentine did not tell the family of his activities, he continues, “Did you feel remorse, or were you afraid to do harm?”

“Maybe both.”

“Let me tell you,” the Judge begins, leaning in towards her, “It matters little whether I spy or you tell them. Sooner or later, he’ll jump out a window, or she’ll find out everything... What can we do about it?”

A little over two weeks ago, the Chief Justice of the Manitoba Court of Appeals Richard J. Scott gave a lunchtime lecture on Legal Ethics. Looking like a slightly greyer, slightly deflated Rudy Giuliani, he started with a story from *And Justice For All*, in which a younger but only slightly less histrionic Al Pacino stars as an Ethical Lawyer

who, against all professional obligations, tells the courtroom what he alone—aside from his client, a judge—knows: his client is indeed guilty of the rape he is being tried for.

Of course a riot ensues, and Pacino gets to bellow his famous lines to the trial judge:

“I’m out of order? You’re out of order! This whole system’s out of order!”

So it’s no surprise that Chief Justice Scott spoke at length about legal ethics. Although the nod towards this particular Pacino movie was an obvious nod towards idealism—the sort of idealism that perhaps gets many a young lawyer involved in the law—idealism per se was not really talked about.

Instead Scott talked about duty—that is, the duty of a lawyer to the legal community and to her/his clients.

Of course, this raised the question—not asked by anyone in attendance—Does duty trump ethics?

But let’s not let an unasked question stop us. The main point that Chief Justice Scott

...Continued on page 10

Who's Your Chang?

James Elford (2L)

It's not uncommon for children to have imaginary friends who help them through tough times. It is, however, a little more unusual for prominent politicians to have them. Especially when that friend is apparently well-armed.

Recently, it was reported by Florida's Herald-Tribune that their state's Governor, Jeb Bush, reportedly threatened to "unleash Chang."

Who is Chang? According to Bush, Chang is a mystical ancient Chinese warrior. One that, as is typical amongst the mythical ancient Chinese demographic, believes in "conservative principles, believes in entrepreneurial capitalism, believes in moral values that underpin a free society."

The man who was not given, but rather earned, the name "Jeb" continued:

"I rely on Chang with great regularity in my public life. He has been by my side and sometimes I let him down. But Chang, this mystical warrior, has never let me down."

At which point he unsheathed a golden sword and gave it to the man being named House speaker in Florida.

...yep.

I don't care if you like Jeb's politics or not.

This isn't about bashing the Republicans or the Bush family. This is about comedy gold.

Aside from giving me further evidence that a hereditary monarchy might not be the best thing for the United States, Jeb's Excellent Adventure into Faux-Eastern Mysticism has got me thinking. And not just about whether or not there is a tiny Shaw Brothers film being played out inside of Jeb's head every time he runs for office.

Instead, I'm asking myself why don't I have some absolutely ludicrous imaginary pal I can let loose on the world every time something comes up I don't or can't handle. Why don't I have some kind of world-weary conquistador of old who will fight for my political beliefs? Or maybe even an American Civil War Veteran who will argue that I should be able to eat tacos for dinner every night? I mean, if the governor can have one of these imaginary helpers why can't I?

I can't think of a reason, so I'm going to make myself one and so should you.

I'll start.

My Chang would have to be Dr. Pachydermus J. Elefunk. A Croatian scientist

from the future where The United States of Eurasia falls to the machinations of House Eisner in the great space battle of 2525. Dr. Pachydermus has returned to the past to power me up with his ancient Slavic mysticism and shares my his strong feelings on the absolute craptacularity of Edmonton municipal planning. I'll threaten to "open up a can of Elefunk on your respective asses" whenever I have trouble getting the local video store to forgive my late fees.

See? It's really easy to come up with way more crazy crap than Jeb Bush can. That makes my magical advisor that much more powerful. That's science. You can't argue with science.

Now that you met my Chang, I want to know who your Chang is. Just drop me an email at mychang05@hotmail.com. Your Chang should simply be some preposterous imaginary friend who helps you with one of life's many battles. Let me know. After all, we all need a helping hand once in a while. Even if that hand is from a ridiculous imaginary character.

For more info, see:

<http://www.gainesville.com/apps/pbcs.dll/article?AID=/20050918/COLUMNS/50917061/1096/editorials>

<http://www.heraldtribune.com/apps/pbcs.dll/article?AID=/20050919/NEWS/509190434/1006/SPORTS>

Chief Justice Scott

...Continued from page 9

wanted to make was this: "I do not believe that legal ethics and human morality are at odds."

Later he made the contingent point that "Lawyers' roles and ethical obligations are not understood by the general public." I know that the two quotes don't seem to fit together, and I know that it's too much to ask a public figure to make his thinking, when speaking extemporaneously, all fit neatly together, so I should leave it at that.

Except I will modestly submit that this seems to point to a divergence: human morality is by its very nature in the public domain. To suggest that a lawyer's ethical obligations are not understood by the public is, if we accept his earlier equation regarding public morality at face value, to suggest that public morality is not understood by the public.

A reading such as this might give us some idea of why the public at large seems to feel those of us in the legal profession are arrogant beyond reason, which is what Chief Justice Scott really seemed to be worried about, and struggled to address.

Unfortunately, it was not a struggle that he succeeded in, preferring to retreat into purely

professional ethics. In other words, he talked about professional rules of conduct.

"A lawyer who does not act with integrity will have a great deal of trouble functioning in our society," he said towards the end of his speech.

Sure, but by then it was unclear if he was talking about legal society in particular or Canadian society at large; I'd wager a guess that, meaning to talk about one, he was actually speaking to the other.

In his *Reflections on the Revolution in France*, the English conservative Edmund Burke pointed out that "It is with the greatest difficulty that I am able to separate policy from justice. Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under suspicion of being no policy at all."

For this speech, Chief Justice Scott's policy—the cornerstone to his Justice—was that there is a seamless web of morality that forms both public and legal ethics. This argument seemed key to his understanding of justice. Unfortunately, it was departed from more often than not.

He could have done better by looking to his

antecedents. After all, in "The Social Contract," Jean-Jacques Rousseau states that "each man must be stripped of his own powers, and given powers which are external to him, and which he cannot use without the help of others... that if each citizen can do nothing whatever except through cooperation with others... then we can say that lawmaking has reached the highest point of perfection."

In other words, if there is a perception that legal ethics are in conflict with moral ethics, then there is a conflict, and we need to be honest about it, divest ourselves of our solitariness and our special powers in order to tackle it, and not try to obscure it with parsing language.

Instead of giving dodgy lectures about it to law schools, we need to speak frankly about it with ordinary citizens: we need to invite them in.

For our friend the Judge from Red, things worked out, in sense, better. Asked by Valentine to admit to his eavesdropping, the judge does just this, and accepts both his official punishment as well as the condemnation of his neighbours. When Valentine asks him why he did it so willingly, his reply is succinct.

"To see if you would come."

Cam's SPORTS BANTER

Cam Bowman (3L)

Right around this time of year I always feel like I'm in the middle of some maze, not seeing any light at the end of the tunnel and being too far in to remember what it was like at the beginning. I think this is what is considered the 'dog days' of law school. Everything is up and running, the September parties are over, but it's still far too early to start doing these 'readings' that profs keep talking about. Anyway, here are some scattered thoughts from a scattered mind:

Baseball playoffs are underway, and you know what that means: time to pick your team – Red Sox or Yankees. Wait.What?? They've both been eliminated? Wow. I didn't even know there were other teams in the league (Just for the record – Cardinals in 7 over the Angels in the World Series).

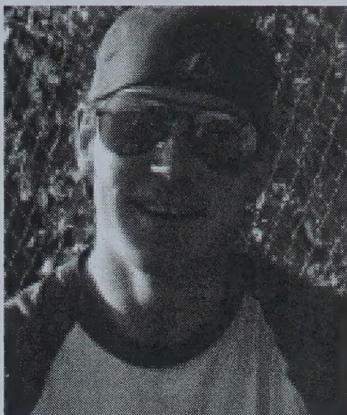
Hockey has made its triumphant return, although the Flames seem to be having some trouble asserting their claim to the throne. That's ok, just makes it more dramatic for the end of the year. If you still don't believe in the Flames, just go back and read the last issue of *Canons*, specifically the Flames season preview. I stand by my words. For everyone else just remember – no Flames in the playoffs means no Red Mile. What if the Oilers made the playoffs? The Greasy Mile? Doesn't have the same ring.

Remember that Offspring song Self Esteem? That pretty much sums up how I dealt with the NHL lockout and its return:

"I wrote her off for the tenth time today
And practiced all the things I would say
But she came over
I lost my nerve
I took her BACK and made her dessert"
(Hey IP geeks – have I violated copyright? You tell me!)

Speaking about the NHL, I am not a fan of the new rules. My article, my rant:

Shootouts are a gimmicky concept designed to appeal to new fans. Fine, but don't sacrifice the long-serving, faithful fans who fell for the game as it used to be for the sake of someone from Georgia who might watch 10 games instead



of 2 because of the shootout. People say shootouts are exciting – so is watching someone trying to shoot an apple off someone else's head from 50 feet away; let's use that to solve ties. Come to think of it, giving Jarome Iginla one shot for the win with Ryan Smyth having the apple on his head might be a good idea. Wonder if Jarome would miss low on purpose?

--Restrictions on the goalies right to play the puck are taking away a legitimate advantage that some goalies (think Martin Brodeur) give their teams. Maybe we should make defensemen play with their sticks upside down – that would increase scoring. With a good shoot-in you should be able to avoid the goalies anyway. Trying to make the game more exciting? Watching Dominik Hasek go to the corner to play the puck was one of the most exciting moments in hockey – you literally never knew what was going to happen, but sadly that is a thing of the past now.

CFL playoffs are starting soon, and all of a sudden the BC Lions look vulnerable. They lost to Winnipeg on Thanksgiving Monday. Winnipeg! Eskimo fans everywhere are going to sleep with visions of the Grey Cup in their head. I think the Western Final comes down to Sean Fleming attempting a 15 yard field goal for the win and putting it 16 yards wide left, allowing BC to return to the Grey Cup where they meet the same fate as last year, allowing the Toronto Argonauts to repeat as champions.

Lastly – this weekend was the big rugby weekend, but unfortunately this paper gets printed before the games get played. You'll have to wait until next issue for a detailed description of who drank the most beer out of the golden shoe.

Predictions: Guys – Golden Barristers 10 Olden Barristers 5 (Kyle Kawanami continues his spectacular season with a 50 yard try for the win. Who had him in the fantasy pool?) Girls – they set a new record for alumni representation with 4, the dog has a career best game, and it becomes a high scoring shootout ending tied at 15.

As promised, here is an update on the Law Hockey Pool (as of October 12):

- 1) Adrian Harvey 1 – 51 points
- T2) Owen Jung – 50 points
- T2) Adam Elwi – 50 points
- T4) Dale Weston – 48 points
- T4) Greg Pratch – 48 points
- T6) Matt Staric – 47 points
- T6) Vincent Kurata – 47 points
- T8) Doug Banks – 46 points
- 9) Ken Rosal – 45 points

And bringing up the rear:
99) Kaushik – 19 points

LAW GAMES!!!

The University of Alberta Law Games delegate will be traveling to Sherbrooke, Quebec from January 4-8th. The Law Games Committee will be hosting two fabulous parties this fall to raise funds so come on out, support the team, and have a great time in the process. The first party will be at the Standard on October 22nd. There will also be a pubcrawl November 10th to celebrate the beginning of the Long Weekend.

Tickets will be available in advance at the couches – to reserve your spot email sandram@ualberta.ca. Hope to see you all there!



Canons of Construction

Printed by Campus Copy Centre
11153 - 87 Ave
Edmonton, AB, T6G 0X8
(780) 439-4252

S
P
O
R
T
S

Ask the Stars: HOROSCOPE

A Half Portion of Ask the Stars: Your Calorie Conscious Monthly Horoscope

Aries – The Flames are only in a jittery slump because it's the start of the season and the weight of the world is on their shoulders. Seriously, the 1Ls can't deal with a 5% moot court assignment without a complete synaptic breakdown, and you only have to say "summer job application deadline" out loud at the couches to detonate any proximate 2Ls. So until *you* have to win the Stanley Cup for the second straight season, let's keep our naysaying to ourselves.

Taurus – That's right, the stars said *second*. Gelinas totally scored that goal in Game 6.

Gemini – Having been a Gemini all your life, you've probably realized that you were born under the best sign possible. This month isn't going to be any worse than all the previous ones. In fact, the stars are unusually friendly this time of year, which means that you will get tons of money from an unexpected source, maybe from

a rich uncle. You should read at least one case for Conflicts because Leo is uniting with Pluto and the Moon, and you know what that means, don't you?

Leo – The stars wonder whether or not *objectly miserable teaching* by an instructor constitutes a fundamental breach of the contract established when we paid for our education? Just a thought.

Virgo – Happy belated birthday all you Virgoians: remember that you are the best sign out there, so strut your stuff. This next month is full of pleasant surprises for you. Your fellow classmates will shower you with compliments and free gifts. Your professors will find you to be brilliant and incredibly well spoken. You will win the lottery without even having to buy a ticket! That job you have your eye on is pretty much yours. Be cautious in love, however, because your significant other just cannot get their eyes off you - but neither can anyone else! Opposite sex, same sex, they all seem to be

noticing your charms! Sit back, relax and enjoy being the absolutely fabulous person you are! You are compatible with Aries, Taurus, Gemini, Cancer, Leo, Libra, Scorpio, Sagittarius, Capricorn, Aquarius and Pisces; heck, who in their right mind would not be compatible with you?

Scorpio – The stars can't help but notice that Virgo's horoscope is unduly long and positive this month. Either Jupiter is in the waxing phase of a Xanax overdose this week, or an overexcited Virgo got loose from his or her parents' basement and tampered with all the cosmic alignments. So no prediction for Scorpio this month, but at least you know who to blame.

Pisces – You know what's underrated? Coffee. Not enough people *really* get into coffee. Almost no one has strong opinions on how much they *need* coffee every morning, and we're certainly not in the least bit tired of hearing about your relentlessly touted preferences *vis a vis* the beverage itself. Factoid: dark coffee actually has *less* caffeine than lighter blends.

R | M | R | F

BARRISTERS

Reynolds Mirth Richards & Farmer LLP

SOLICITORS

Excellence
Since 1915.

We'll get you there!

At Reynolds, Mirth Richards & Farmer LLP
we've been hiring great students and turning
them into excellent lawyers since 1915. Our lawyers
past and present have earned us a reputation of
which we are extremely proud.

Suite 3200, Manulife Place
10180 - 101 St
Edmonton, AB T5J 3W8
Ph 780 425 9510
Fx 780 429 3044
www.rmrfl.com

Call Julie Gagnon or
Jeremy Tadinger at 425-9510
for one of our pricing packages